

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

FRANK FARLANDO DANIELS

PLAINTIFF

V.

CIVIL ACTION NO. 2:10cv209-KS-MTP

STATE OF MISSISSIPPI

DEFENDANT

ORDER

THIS MATTER is before the court on the *pro se* complaint of Frank Farlando Daniels for case management purposes. The court finds that Plaintiff's complaint is unclear and is in need of amendment. Accordingly,

IT IS, THEREFORE, ORDERED:

1. Plaintiff is ordered and directed to file an amended complaint plainly identifying the person or persons he is suing and clearly stating the basis for his claims. His amended pleading shall include the following:

a) Plaintiff named the State of Mississippi as the only defendant in this action. Plaintiff checked "diversity" as the basis for jurisdiction. *See* Civil Cover Sheet [1-1]. That is clearly incorrect since Plaintiff is a Mississippi resident. Plaintiff also checked "civil rights" for the nature of this suit. *Id.* However, the State of Mississippi is not a proper defendant for a civil rights action under 42 U.S.C. § 1983, since a State is not a "person" under Section 1983. *Will v. Mich. Dep't of State Police*, 491 U.S. 58, 71 (1989). Plaintiff shall file a response identifying the full name of the person or persons who allegedly violated his civil rights, if any, and identifying the specific rights violated and how they allegedly violated those civil rights. Plaintiff shall also include the damages claimed for the violations, and where the violations occurred or the claims accrued.

b) Plaintiff shall include the address where the defendant(s) may be served with process. Process will not issue and cannot be served unless the addresses are provided. Plaintiff is reminded that it is his obligation to provide the addresses and his failure to do so may result in the dismissal of this matter.

c) Plaintiff shall specifically state whether he has been convicted of the offense(s) and/or violation(s) referenced in his complaint, and if “yes,” state whether the conviction(s) or sentence(s) has been invalidated, reversed or expunged. If the Plaintiff's conviction or sentence has been invalidated, reversed or expunged, provide a copy of the court order reflecting that decision.

d) Plaintiff shall state the dates and places of incarceration for the offense(s) and/or violation(s) referenced in his complaint.

2. Plaintiff shall file his amended complaint on or before **July 29, 2011**.

3. It is the Plaintiff's duty to prosecute this case. Plaintiff's failure to respond or to comply with any court order, or to keep the court advised of his current address, may result in this civil action being dismissed without further notice.

SO ORDERED this the 8th day of July 2011.

s/ Michael T. Parker

United States Magistrate Judge